

REMARKS

Claims 1-3, 5-7, 10, 11, 13 and 16-19 are pending, of which claims 16-18 are withdrawn from consideration.

Claims 1-3, 5-7, 10, 11, 13 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 91/10362 ("Tocher") in view of WO 93/04017 ("Burger) and U.S. Patent No. 4,772,490 ("Kogler").

Applicants traverse and respectfully request the Examiner to reconsider in view of the following remarks.

(a) Tocher discloses a simplified process for preparing controlled release granules of pesticides for direct application consisting essentially of overcoating a granular carrier containing a pesticide and a polyhydroxylated compound or water with a liquid polyisocyanate and a polymerization catalyst. Because the *polyhydroxylated compound is contained in the granular carrier*, a polymerization of the polyhydroxylated compound and the polyisocyanate is conducted at the surface of the granular carrier (i.e., interfacial polymerization is conducted, which is *characteristic of Tocher's disclosed invention*). One of ordinary skill in the art would readily appreciate that *it is essential to Tocher's disclosed invention* that the polyhydroxylated compound is contained in the granular carrier and that interfacial polymerization is conducted with the polyisocyanate.

The Examiner has rejected the claims over the combination of Tocher with Burger of Kogler. However, if the combination proposed by the Examiner was undertaken by one ordinary skill in the art as proposed by the Examiner, the an essential characteristic of Tocher's disclosed invention would be rendered meaningless (e.g., the interfacial polymerization would disappear).

Accordingly, Applicants submit that the Examiner is not considering the invention as a whole but, instead, is considering the individual components of the prior art references. Importantly, the present claimed invention is **not** the combination of familiar elements according to known methods which does no more than yield predictable results. (*See KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385, 1395 (2007).)

(b) With specific regard to Claims 5, 7, 10, 11 and 13, which recite in relevant part that the water absorption ratio of the polyurethane is not more than 5%, the Examiner takes the position that “the polyurethane coating of Tocher is reasonably expected to have the same water absorption ratio as claimed herein. Further, the optimization of the properties of the coating accordingly by using different isocyanate or polyol is considered within the skill of artisan.” (*See Office Action* at p. 4, ll. 16-19.)

However, the Examiner has failed to provide any rationale as to why one skilled in the art in possession of the teachings of Tocher would have had any reason to control the water absorption ratio of the polyurethane. Applicants respectfully request the Examiner to provide at least some foundation for this position **other than** the hindsight knowledge provided by the present application.

In this regard, Tocher fails to disclose or suggest even the desirability of controlling water absorption. Moreover, even if the raw materials of the present claimed invention are somewhat similar to the those described by Tocher, one of ordinary skill in the art would realize that the properties of the polyurethane resin produced therefrom (including water absorption) would not be based wholly on these materials. Instead, the properties of the thermosetting resin produced would necessarily vary according to the reaction conditions. The Examiner has not properly addressed this point.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Section 103 obviousness rejection of the present claims based on the combination of Tocher with Burger or Kogler.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local, Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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